



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

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DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

HEARING, MARCH 1, 2017

Case No. 19450

Testimony of Nancy J. MacWood, Chair, ANC 3C

I am Nancy MacWood, Chair of Advisory Neighborhood Commission 3C (ANC). On February 21, 2017 at a noticed, public meeting with a quorum, the ANC considered the multiple variance and special exception requests filed by the DC Department of General Services (DGS) that are the subject of this hearing. Since the January 3, 2017 filing, the ANC held two public Planning and Zoning Committee meetings with DGS and the Department of Human Services (DHS), and scheduled a special community meeting on January 31, 2017 at which the Interim Chief of Police also participated. There was standing room only attendance at all of these meetings. The ANC voted 5-4 on a resolution that presents the following list of issues, concerns and recommendations.

The ANC 3C has stated repeatedly since the Mayor chose 2619 Wisconsin Avenue for the Ward 3 emergency family shelter over a year ago that we support closing DC General and replacing it with shelters in each ward. The decision of the DC Council to move the Ward 3 location to its current public property site – still within ANC 3C – was unusual because it was the only shelter site with an existing public use, the Second District Police Station (2D). Since the January BZA filing, the issues related to this site have been emerging.

When the ANC received plans from DGS after the filing and began meeting with the community, we heard concerns about the relationship of the two structures and the two functions. Over the next few weeks, MPD and Department of Homeland Security leadership stated publicly that public safety would not be jeopardized.

At the same time, concern about the DGS proposal to replace the existing on-site 157 MPD parking spaces emerged. Residents questioned the entire parking plan, which included waiving half of the required parking for the shelter. The police use street spaces daily when the 2D parking area is full and during 12 hour shifts 2D is overflowing with cars, many of them parking on the lawn. In response, DGS proposed a three (3) level, above ground garage.

We appreciate the acknowledgement that there are serious parking needs at this site, but the solution – a larger parking structure – raises other issues. There are no similar garages in the entire ANC area. The aerial images project a building as large or larger than the police station. DGS has not presented plans or given the ANC and community reliable dimensions of the parking structure.

The Council wanted to reduce costs by locating the Ward 3 shelter on public land, but this site has a vital use, and now in order to address the unmet parking needs, proposals are offered that reveal the lack of a master plan to show how two critical public uses can use this site over the long term. The ANC supports locating the shelter at this site, but we strongly recommend the creation of a master plan and urge that any improvements needed to the police station be completed at the time the shelter is built so that the community, future shelter residents, and the police don't experience major disruptions again.

The community and ANC also raise concern about the height of the proposed structure, which is consistent with a high-density zone, whereas this site is low to moderate density. The applicant's submission describes the surrounding area as very built up, but in actuality there are R-1 houses immediately to the south of the proposed location of the shelter; McLean Gardens low rise, RA-1 condominiums to the north; 3-story town houses fronting on the 2-story Cathedral Commons PUD to the east; and a large open space developed with community gardens, playground and tennis courts to the west. The Cathedral Commons PUD to the northeast of the site is zoned commercial and fronts on Wisconsin Ave., and its 5 stories intentionally took height cues from the PUD on Idaho Avenue that is also 5 stories at its closest point to the 2-story police station. The community is very concerned that a 72-foot building plus a penthouse will negatively affect light and air, privacy and the enjoyment of homes. The ANC finds that the extreme height proposal would substantially impair the intent, purpose and integrity of the zoning plan. There are options that would meet development standards and reasonably accommodate program goals, but DGS has been unwilling to talk to the ANC about options. The ANC believes the issues and concerns raised by the community are significant. We do not support a variance for height and number of stories.

The ANC supports the loading variance because we do not find that the intent, purpose and integrity of the zoning plan would be harmed in this instance. The twice-a-day meal deliveries by van could be accommodated at the northern end of the shelter building, and other types of deliveries should not require the use of a 30-foot truck and the need for a dock. We note that if the use were to change to a residential use or a more intense use, the lack of a loading dock could force loading to the street, which would negatively affect the community.

The ANC is concerned about the location of the playground and the trash adjacent to the single-family homes. We suggested to DGS that the playground move to the rear of the shelter and avoid the need for a very tall buffer wall proximate to the existing homes, and similarly that the trash be located to the north side of the building and avoid the twice a week noise that accompanies trash pick-ups. DGS showed a sketch at the ANC meeting showing these changes. When important issues are handled in this way, it is difficult for the ANC to know what we can rely on. We wanted to highlight the seriousness of the community's concerns by emphasizing these two issues in the resolution.

Another constant issue raised at our public meetings on the shelter zoning proposal is the lack of planning for how John Eaton Elementary School will accommodate children living temporarily at the shelter. There are projected to be 185 people, of which about 60%, we are told, will be children. At DC General, about half of the children are elementary school age. No administration official presented to the community and ANC any plan for how John Eaton will budget and plan to add children throughout the school year in numbers that could be significant or might be low. The education component of the shelter is deflected by DHS statements that most families will choose to stay in current schools no matter where they are located. While this may be true, the converse could also be true, and the community is very concerned that there is no plan to provide the school with the tools and information it needs to plan for program needs, classroom size, or additional resource assistance prior to the beginning of the school year. It would be very unfortunate if the public good of offering emergency temporary shelter resulted in unanticipated challenges and adverse effects at another public institution providing a public good.

The construction of the shelter requires a contingency plan for lost MPD parking. DGS told the ANC and community that they now know there are no acceptable options for the police during the projected 18-months of shelter construction if the proposed garage is built at the same time. DGS has thus determined that the garage will be built first so as to maintain some on-site parking, but that it will be necessary to relocate approximately 30 spaces at the Cathedral Commons garage with the balance of about 70 spaces created on the McLean Gardens tennis courts. DGS did not present any reliable plans to the ANC and community for this proposal, and we agree with the community that it is a drastic, unnecessary and unplanned reaction to the realization that no one considered where the police would park during construction. The possible access routes presented to the community include a route near the McLean Gardens playground and the dog park – both of which are heavily used. Police drive with urgency to and from the station and they should not intentionally be put in a situation where their normal practice will endanger people. Additionally, the use of the tennis courts means some community gardens will be destroyed, and the community fears others will be harmed by redirected storm water runoff and groundwater pollution. While it would significantly disrupt the community, the better option is to relax parking regulations near the station and create new parking spaces wherever possible for reserved temporary police parking on the street.

Finally, we want the BZA to know that ANC 3C felt hampered throughout our consideration of this zoning proposal. We often didn't have information, or it was slow in coming, and even now there is much of significance that we do not know. We can't say that DGS did an exhaustive search and this is the only site in Ward 3 that meets DHS program goals. Rather than complain about process, ANC 3C strove to represent the legitimate concerns of the community and relate them to the best interests of the city. As I hope I have explained, the ANC supports this shelter, but we cannot overlook the flaws in this proposal and the opportunity with more planning to better align community interests, zoning, and the separate needs of MPD and the emergency shelter program.